



# Virginia State Conference NAACP

1214 W. Graham Road, Richmond, VA 22220

Phone: 1-804-321-5678

## By Electronic Mail

May 30, 2018

Mr. David Paylor  
Director  
Virginia Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218

Re: Nationwide Permit 12 - Mountain Valley and Atlantic Coast Pipelines

Dear Director Paylor,

I am writing to express concern regarding the classification of and permitting process for the Mountain Valley (MVP) and the Atlantic Coastal Pipelines (ACP), proposed to bisect the Commonwealth of Virginia. Consideration under the U.S. Army Corps of Engineers Nationwide Permit 12 (Corps NWP 12) is inadequate and grossly neglects to consider the magnitude of both projects and the massive disruptions to surrounding communities and the environment that will result. Socio-economic data and wetland and stream information crucial to conducting accurate and unbiased assessments are missing, inaccurate and incomplete. Furthermore, there is negligible mitigative and corrective measures put in place to minimize negative impacts and restore these lands to their original state (or better). Rich aquatic life, safe recreational opportunities, healthy wildlife habitat and clean drinking water resources, dependent upon maintaining high water quality standards, is in jeopardy if we do not step back, halt all construction activities, and properly assess the direct, indirect and cumulative impacts presented by these two projects.

Both pipeline projects consist of major construction activities, soil disturbances, tree-cutting and hundreds of river crossings, including multiple crossings of quality waterways, drinking water supply, and Tier III exceptional state waters. The Department of Environmental Quality should halt all activities until the conclusion of a comprehensive site-specific stream-by-stream analysis that reviews the cumulative effects of the multiple crossings within individual watersheds. This would provide a review of all potential risks to water quality that was not assessed as part of the Corps NWP 12 review process. Waterbody crossings, particularly when in excess, can affect appearance, viability of the waterbody, increase sediment deposition and erosion, impact aquatic and wildlife habitat, cause farmlands and local businesses to fail and decrease property values. In addition, the contour and physical condition of the waterbody is subject to change, adversely impacting its fishing stock, economic vitality and opportunities for recreational activities in some areas, and corroding unique and endangered wildlife and ecosystems in others.

Union Hill, Buckingham County, is a predominately African-American community. Established by freed enslaved people, Union Hill relies on a single-source aquifer for their drinking water. The ACP is to be constructed under the James River, threatening their drinking water resource. There is no consideration for pipeline ruptures which could pollute the single source aquifer which feeds the wells of Union Hill and most of Buckingham County.

The ACP (and pipeline access roads) will cross Calfpasture River (VA AP-1-0106 to VA AP-1-0172) and its tributaries 71 times, whereas the MVP project will cross the Bottom Creek (ID S-Y13 to S-B21) Watershed 36 times, yet no cumulative impact assessments for these, and all other waterbodies, was conducted nor were any substantive mitigative measures or state-mandated antidegradation requirements considered. Bottom Creek Watershed is designated as a Tier III Exceptional Waterway, which provides the highest level of protections for Tier III waters. Under this designation, new discharges are prohibited, as well as, lowering water quality for any extended period of time and water quality must be returned or restored to conditions equal or better than conditions at time of project initiation. Yet, the NWP 12, ignores this protective designation and allows for new discharges, lowered water quality for extended period (with no mitigation plan), and restoration is not being mandated.

We urge the Department of Environmental Quality to conduct site-specific stream-by-stream analyses of crossings that also reviews the cumulative effects of multiple crossings within individual watersheds, impose the necessary standards to ensure full protection of Virginia's water resources to the maximum extent possible, and work collaboratively and pro-actively with residents, business owners, property owners, and the environmental community to identify viable, equitable, earth-friendly and sustainable solutions. Lastly, we respectfully request that order all construction activities for MVP and ACP to cease immediately until all legal and regulatory challenges are resolved.

Thank you for your consideration.

Sincerely,

Kevin Chandler

Rev. Kevin Chandler

VSC NAACP

President

Karen Campblin

Karen Campblin

VSC NAACP

Environmental Climate Justice Committee, Chair